

\$ Sector

## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/738,086	12/15/2000	Xiaodong Li	05158.P002

CONFIRMATION NO. 9634

## FORMALITIES LETTER



\*OC000000005795934\*

Michael J. Mallie  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
Seventh Floor  
12400 Wilshire Boulevard  
Los Angeles, CA 90025-1026

Date Mailed: 02/23/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

07/23/2001 NROCHA1 00000073 09738086

02 FC:105 130.00 OP

*A copy of this notice **MUST** be returned with the reply.*

#3


Please charge any debits and credit any overages to our Deposit Account

Number 0266



Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: July 19, 2001

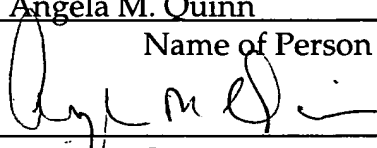
  
\_\_\_\_\_  
Michael J. Mallie  
Reg. No. 36,591

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8598

**FIRST CLASS CERTIFICATE OF MAILING**  
**(37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

on July 19, 2001  
Date of Deposit

Angela M. Quinn  
Name of Person Mailing Correspondence  
 7-19-01  
Signature Date



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )

Xiaodong Li, et al. )

Serial No.: 09/738,086 )

Filed: December 15, 2000 )

For: OFDMA WITH ADAPTIVE SUBCARRIER- )  
 CLUSTER CONFIGURATION AND )  
SELECTIVE LOADING )

Assistant Commissioner for Patents  
 BOX MISSING PARTS  
 Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION  
(FILING DATE GRANTED)

Sir:

In response to the Notice to File Missing parts of Application (Filing Date  
 Granted) mailed February 23, 2001, please find enclosed:

- (1) a duly executed Declaration and Power of Attorney with respect to  
 the above-referenced patent application;
- (2) a check in the amount of \$130.00 in payment of the surcharge of 37  
 C.F.R. § 1.16(e);
- (3) a check in the amount of \$890.00, the extension fee required for a  
 response filed within the third month; and
- (4) a copy of the Notice to File Missing Parts of Application.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/17(11-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

## FEE TRANSMITTAL FOR FY 2001

TOTAL AMOUNT OF PAYMENT (\$) 1,020.00

### Complete if Known:

Application No. 09/738,086  
Filing Date December 12, 2000  
First Named Inventor Xiaodong Li  
Group Art Unit Not Yet Assigned  
Examiner Name Not Yet Assigned  
Attorney Docket No. 05158.P002

### METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666  
Deposit Account Name \_\_\_\_\_

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed: ☒ Check  
Credit Card  
Money Order  
Other

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Code	Fee (\$)	Code	Fee (\$)		
101	710	201	355	Utility application filing fee	_____
106	320	206	160	Design application filing fee	_____
107	490	207	245	Plant filing fee	_____
108	710	208	355	Reissue filing fee	_____
114	150	214	75	Provisional application filing fee	_____

SUBTOTAL (1) \$ \_\_\_\_\_

#### 2. EXTRA CLAIM FEES

		Extra Claims	Fee from below	Fee Paid
Total Claims	_____	- 20** = _____	X _____	= _____
Independent Claims	_____	- 3** = _____	X _____	= _____
Multiple Dependent	_____		_____	= _____

\*\*Or number previously paid, if greater; For Reissues, see below.

Large Entity		Small Entity		Fee Description
Code	Fee (\$)	Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 0

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	<u>Fee Paid</u>
<u>Fee Code</u>	<u>Fee (\$)</u>	<u>Fee Code</u>	<u>Fee (\$)</u>		
105	130	205	65	Surcharge - late filing fee or oath	<u>130.00</u>
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	_____
139	130	139	130	Non-English specification	_____
147	2,520	147	2,520	For filing a request for ex parte reexamination	_____
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	_____
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	_____
115	110	215	55	Extension for reply within first month	_____
116	390	216	195	Extension for reply within second month	_____
117	890	217	445	Extension for reply within third month	<u>890.00</u>
118	1,390	218	695	Extension for reply within fourth month	_____
128	1,890	228	945	Extension for reply within fifth month	_____
119	310	219	155	Notice of Appeal	_____
120	310	220	155	Filing a brief in support of an appeal	_____
121	270	221	135	Request for oral hearing	_____
138	1,510	138	1,510	Petition to institute a public use proceeding	_____
140	110	240	55	Petition to revive - unavoidable	_____
141	1,240	241	620	Petition to revive - unintentional	_____
142	1,240	242	620	Utility issue fee (or reissue)	_____
143	440	243	220	Design issue fee	_____
144	600	244	300	Plant issue fee	_____
122	130	122	130	Petitions to the Commissioner	_____
123	50	123	50	Processing fee under 37 CFR 1.17(q)	_____
126	180	126	180	Submission of Information Disclosure Stmt	_____
581	40	581	40	Recording each patent assignment per property (times number of properties)	_____
146	710	246	355	For filing a submission after final rejection (see 37 CFR 1.129(a))	_____
149	710	249	355	For each additional invention to be examined (see 37 CFR 1.129(b))	_____
179	710	279	355	Request for Continued Examination (RCE)	_____
169	900	169	900	Request for expedited examination of a design application	_____
195	300	195	300	Publication fee for early, voluntary, or normal publication	_____
196	300	196	300	Publication fee for republication	_____
194	130	194	130	Request for voluntary publication or republication	_____
098	130	098	130	Processing fee under 37 CFR 1.17(i)	_____
091	1,240	091	1,240	Acceptance of unintentionally delayed claim for priority	_____

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

**SUBTOTAL (3) \$ 1,020.00**

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**Typed or Printed Name: Michael J. MallieSignature:  Date: 7/17/01Reg. Number: 36,591 Telephone Number: (408) 720-8300

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



# FIRST CLASS CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

on July 19, 2001

Date of Deposit

Angel M. Quinn  
Name of Person Mailing Correspondence

[Signature]  
Signature

7-19-01  
Date

Serial/Patent No.: 09/738,086 Filing/Issue Date: 12/15/00  
Client: Broadstorm Telecommunications, Inc.  
Title: OFDMA WITH ADAPTIVE SUBCARRIER-CLUSTER CONFIGURATION AND SELECTIVE LOADING

BSTZ File No.: 05158.P002 Atty/Secty Initials: MJM/amq  
Date Mailed: 7/19/01 Docket Due Date: 4/23/01

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Amendment/Response (____ pgs.)  | <input type="checkbox"/> Express Mail No.: _____                                     | <input checked="" type="checkbox"/> Check No. <u>44184</u> |
| <input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate)                              | <input checked="" type="checkbox"/> <u>3</u> Month(s) Extension of Time              | Amt: <u>130.00</u>   |
| <input type="checkbox"/> Application - Utility (____ pgs., with cover and abstract)            | <input type="checkbox"/> Information Disclosure Statement & PTO 140 (____ pgs.)      | <input checked="" type="checkbox"/> Check No. <u>44185</u> |
| <input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.)                   | <input type="checkbox"/> Issue Fee Transmittal                                       | Amt: <u>890.00</u>   |
| <input type="checkbox"/> Application - Rule 1.53(b) Divisional (____ pgs.)                     | <input type="checkbox"/> Notice of Appeal  |  |
| <input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.)                            | <input checked="" type="checkbox"/> Petition for Extension of Time                   |  |
| <input type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal (____ pgs.)                | <input type="checkbox"/> Petition for _____  |  |
| <input type="checkbox"/> Application - Design (____ pgs.)                                      | <input checked="" type="checkbox"/> Postcard   |  |
| <input type="checkbox"/> Application - PCT (____ pgs.)   | <input type="checkbox"/> Power of Attorney (____ pgs.)                               |  |
| <input type="checkbox"/> Application - Provisional (____ pgs.)                                 | <input type="checkbox"/> Preliminary Amendment (____ pgs.)                           |  |
| <input type="checkbox"/> Assignment and Cover Sheet  | <input type="checkbox"/> Reply Brief (____ pgs.)                                     |  |
| <input checked="" type="checkbox"/> Certificate of Mailing                                     | <input checked="" type="checkbox"/> Response to Notice of Missing Parts              |  |
| <input checked="" type="checkbox"/> Declaration & POA ( <u>5</u> pgs.)                         | <input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business |  |
| <input type="checkbox"/> Disclosure Docs & Orig & Copy of Inventor's Signed Letter (____ pgs.) | <input type="checkbox"/> Transmittal Letter, in duplicate                            |  |
| <input type="checkbox"/> Drawings: _____ # of sheets includes _____ figures                    | <input checked="" type="checkbox"/> Fee Transmittal, in duplicate                    |  |

☒ Other: Copy of Notice To File Missing Parts of Application (1 pg.)

BEST AVAILABLE COPY